THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 34771 OF 1997

Date: 28.03.2007

Between:

A. Anand.

... Petitioner

and

The Board of Trustees, Tirumala Tirupati Devastanam, Tirupati and another.

...

Respondents.

.THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 34771 OF 1997

ORDER:

Aggrieved by resolution No. 366 dated 28/29.07.1994 of the first respondent, confirming the proceedings dated 20.05.1993 of the second respondent, and contending that it is illegal, arbitrary and violative of the circular dated 25.07.1990, the present writ petition is filed.

The petitioner was engaged as a casual labour in different spells. He claims to have been continued in service till March 1990 and that his services were terminated in April 1990 without notice. He would place reliance on the circular dated 25.07.1990 to contend that casual labour/N.M.Rs who worked for 240 days were required to be absorbed whenever there were vacancies or whenever works warranted additional appointment. On the ground that he was not absorbed or considered for absorption the petitioner, along with four others, filed W.P. No. 5963 of 1991 and this Court, by order dated 23.04.1991, directed verification of the claim of the petitioner and his case to be considered if the petitioners were able to make out such claim of former enagagement for a sufficient period of time. This Court further directed that, in considering the claim of the petitioner for regular

absorption, the respondents shall strictly adhere to the relevant rules relating to qualifications, eligibility and reservation and that the respondents shall consider the petitioner's claims along with others, when occasion arises for future employment. Pursuant thereto the petitioner's case was examined, along with the other petitioners in W.P. No. 5963 of 1991, and while the Welfare Committee recommended his case for absorption the T.T.D. Trust Board, vide resolution No. 366 dated 28/29.07.1994, rejected his appeal.

In the counter affidavit, filed on behalf of the respondents, it is stated that as per the available records the petitioner worked from December, 1966 to May 1974. The respondents would claim that circular dated 25.07.1990 does not provide for absorption of casual labour/N.M.Rs and only relates to their termination/retrenchment. It is stated that pursuant to the directions of this Court call letters were issued to the petitioners calling upon them to attend the interview and while two of those candidates were selected, the petitioner was not.

Sri A. Bhaskarachary, learned Counsel for the petitioner, would contend that the Board resolution No. 366 dated 28/29.07.1994 rejecting the petitioner's appeal is bereft of reasons. Learned Counsel would contend that except for vague averments in the counter affidavit there is nothing on record to dispute the fact that the petitioner was in service till March 1990. Learned Counsel would submit that, pursuant to the directions of this Court, the petitioner's case was required to be considered in terms of the circular dated 25.07.1990 and the petitioner should

have been absorbed in service as several others were absorbed in service pursuant to the said circular.

Sri P. Nageswar Rao, learned Standing Counsel for the T.T.D, would contend that the circular dated 25.07.1990 does not relate to absorption and merely relates to the manner in which N.M.R/casual labour are required to be appointed. Learned Counsel would submit that pursuant to the orders of this Court, directing that the case of the petitioner be considered for absorption in accordance with the rules, the petitioner's case was considered and, since the Board of Trustees did not find him suitable for absorption/ appointment, the petitioner was not appointed in the services of the T.T.D. Learned Counsel would submit that merely on account of his being engaged as an N.M.R/Casual labour during the period 1966 to 1974, the petitioner could not claim regularization as a matter of right.

The Circular dated 25.07.1990, on which reliance has been placed by Sri A. Bhaskarachary, relates to casual labour/N.M.Rs.

Clause 4 of the said instructions reads thus:

"Whenever there are vacancies or when the work warrants additional appointments, the order of seniority among the persons stopped; should be observed. If the senior does not turn up for duty, he shall be given a written communication."

The aforesaid clause relates to vacancies as casual labour/N.M.Rs and while appointing persons as casual labour/N.M.R. the circular requires seniority among the casual labour/N.M.R to be followed. A reading of the circular would make it clear that it does not relate to absorption/regularization of the services of casual labour/N.M.R.

With regards the contention that no reasons have been assigned by the Board in rejecting the petitioner's claim for regularization, it is well settled that no reasons are required to be assigned in not selecting a candidate for appointment into the service of an organization. (**National Institute of Mental Health & Neuro Sciences Vs. Dr. K.K. Raman**[1]). Further, as held in **Secretary, State of Karnataka Vs. Umadevi**[2], a casual labour/daily wage employee cannot claim regularisation of his services as a matter of right merely on account of his having rendered service in such capacity for a certain length of time.

No reply has been filed by the petitioner to the counter affidavit filed by the respondents wherein it is stated that the petitioner was engaged from 1966 to 1974. There is no evidence on record to substantiate the petitioner's contention that he was continued in service till March 1990. Since the petitioner worked only till 1974, his claim for being considered for regularization, nearly two decades thereafter, does not merit acceptance. No rule which requires the respondents to consider the petitioner's case for regularization, merely on account of his having worked during the years 1966 to 1974, has been brought to the notice of this Court. The petitioner's case was considered and his claim for regularization and absorption was rejected. The action of the respondents in rejecting the petitioner's claim for regularization cannot be faulted nor can it be said to be in violation of any statutory rule requiring the petitioner to be absorbed in service merely on account of his having worked for a certain period during

1966 to 1974.

The writ petition fails and is accordingly dismissed. No costs.

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Date: 28.03.2007 RAMESH RANGANATHAN, J

MRKR

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[1] AIR 1992 SC 1806

[2] (2006) 4 SCC 1